



## GREENWOOD COMMON COUNCIL JANUARY 16, 2006 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

Members of Boy Scout Troop 259 led the audience in the Pledge of Allegiance, after which Pastor Wayne Murray of Grace Assembly of God offered the invocation. The scouts then introduced themselves and were given City pins by the Mayor.

<b>PRESENT:</b>	Council members Bruce Armstrong, Ron Bates, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Councilman Bill Bless did not attend.
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Mr. Bates moved to approve the minutes of January 4<sup>th</sup> as presented. Second by Ms. Reed. Mr. Armstrong discussed a change he had requested in the discussion of Resolution No. 06-01 and said the names had been corrected. Vote: Ayes.

Ms. Koons-Davis had distributed her litigation report. She told the Council that her office is trying to contact the courts on all the mortgage foreclosure cases that have been in her office for a year or more to get the status, whether they have been sent to sheriff's sale. She hopes to have an updated report by the next meeting.

Mr. Hardin reported that the Plan Commission is trying to reschedule the training session with Ball State that had been set for January 23<sup>rd</sup> because of a scheduling conflict. It may have to be held on January 30<sup>th</sup>. Notification could come to Council members this week on the date. At the meeting last week, the Commission heard testimony on the Aldi expansion, a zoning map correction which will be introduced in Ordinance No. 06-02 and the primary plat for Greenbrooke Parke. Trent Pohlar was elected president and Phil Tinkle was elected vice president for this year.

For the Solid Waste Management Board, Mr. Gibson reported that Amy Griner, education coordinator, will take over as executive director, as Melinda Atwell has accepted another position. The vehicle for the office has been ordered. Over 500 tires were recycled before October, said Mr. Gibson, and Christmas trees were picked up at several locations and put through the chipper. The Johnson County Fairgrounds will be the site for clean up day. Items such as paint, metal, wood, etc. can be dropped off at dumpsters there on Saturday, April 22<sup>nd</sup>, usually from 9:00 a.m. to 3:00 p.m. Pat Sherman will remain as treasurer and Lynn Gray as attorney.

**ORDINANCE No. 05-33** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 4 Acres Located on the Southwestern Corner of Stella Drive and State Road 135, Commonly Known as the Waltz Property. **POSTPONED FOR FIRST READING UNTIL FEBRUARY 6, 2006 MEETING.**

**ORDINANCE No. 05-38** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 92.186 Acres Located Southwest of the Intersection of County Road 700 North and County Road 125 West, and Commonly Known as the Clark-Pleasant Community School Corporation Property. **POSTPONED FOR FIRST READING UNTIL FEBRUARY 20, 2006 MEETING.**

**ORDINANCE No. 06-01** – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Improvement Fund – Tax Levy (\$1,600,000) For Reconstruction and Repair of a Portion of Streets Located in the Valle Vista Subdivision. Mr. Armstrong moved to pass Ordinance No. 06-01 on first

reading. Second by Mr. Hardin. Mayor Henderson opened the public hearing for questions or comments. As no one spoke, the public hearing was closed. Mr. Armstrong recounted that this covers the second half (east end) of Valle Vista – the third of four projects, alternating between Valle Vista and Northern Park subdivisions. Mr. Deer mentioned that this was proposed by the previous Council; he continues to express his objection to the manner of funding but supports the project. Vote: Ayes. **PASSED FIRST READING.**

**RESOLUTION No. 05-18** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 92.186 Acres Located Southwest of the Intersection of County Road 700 North and County Road 125 West, Referencing Annexation Ordinance No. 05-38. Mr. Armstrong moved to pass Resolution No. 05-18 through second reading. Second was by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

**RESOLUTION No. 06-02** – A Resolution Confirming Resolution No. 05-17 The Declaration of a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Real Property Improvements and Manufacturing Equipment for Property Tax Abatement (Endress + Hauser Flowtec AG). Mayor Henderson opened the public hearing for final action confirming, modifying or rescinding this resolution concerning the expansion of the facility. As no one spoke, the public hearing was closed. Mr. Bates moved to pass Resolution No. 06-02. Second by Mr. Armstrong. Vote: Ayes. **PASSED.**

**ORDINANCE No. 06-02** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of lots Nos. 3 through 17 in the Suburban Acres East Section Subdivision). Planning Director Ed Ferguson told the Council that they traced the zoning back to the 1969 zoning maps. This area was platted and the homes were built in the early to mid- ‘60s, along the east side of Riverside Drive, he noted. Every building is either a duplex or a small apartment building. The City chose in 1969 to zone the area single-family residential, even with the duplexes and apartments. Residents are having problems getting title companies to grant insurance and mortgage companies to refinance. Mr. Ferguson stated that the structures are all grandfathered and if they were destroyed by fire or tornado they would lose that status and could not be rebuilt. **INTRODUCED.**

**ORDINANCE No. 06-03** – An Ordinance Amending Greenwood Municipal Code (1993), As Amended, Chapter 6 “Safety Departments and Regulations”, Article 10, “Specific Activities Regulated for the Public’s Health and Safety”, to Add a New Section to Adopt Regulations Prohibiting Smoking in Certain Public Places and Places of Employment. **INTRODUCED.**

**RESOLUTION No. 06-03** – A Resolution of the Greenwood Common Council Expressing Interest in the Purchase of Land. Judge Lewis Gregory spoke to this resolution, the first step for the determination whether the City would like to acquire from one to eight parcels of privately-owned property in the 300 block of South Meridian Street. In November, 2005 several of those property owners contacted the Planning Director to express interest in selling their properties to the City of Greenwood. On December 5, Judge Gregory met with five of the eight owners, explained the legal procedure the City needed to follow in purchasing privately owned property and indicated that he would be bringing the matter to the Council’s attention in January (Letter in attachments of this meeting). In communications with the owners, six of the eight have varying degrees of interest in pursuing this, said the Judge. The Mayor asked Mr. Ferguson if he could have a plot of the area prepared for the next meeting. The City Attorney confirmed that if the resolution fails, the Council can no longer discuss it. She indicated that by Statute the City must express an interest in purchasing the property to be able to hire two appraisers. The City can offer no higher than the average of the two appraisals as the purchase price. In response to Mr. Deer the City Attorney said that the City is not obligated by the resolution and this only begins the process of debate. There was more discussion as to the manner in which this was presented, whereupon Mr. Armstrong, who was president of the Council last year, had told Judge Gregory he had no objection to his meeting informally with the property owners to explain the procedure. The Mayor reiterated that the Council has the authority to decide to pursue appraisals and appropriate the funds. Mr. Hardin noted that he thought the matter should go to the ad-hoc committee, and the Mayor said that at first reading, the Council could take whatever steps the members desired. In response to Mr. Deer, the Judge assured the Council that he was not suggesting that the property be purchased for use by the Court. There was more discussion concerning the Our Lady of the Greenwood property, and the issue was left for first reading.

Under miscellaneous business, Mr. Hardin brought up the issue of a pothole on Barrington and Braeside that hasn't been addressed and asked for an update on a traffic study for a stoplight at Main Street and Averitt Road. Mayor Henderson replied that he checked on the traffic study last week and it is in the works, although not at the top of the priority list. He will check on the pothole.

Mr. Gibson told the Council that House Bill 1150 will be heard tomorrow afternoon around 2:00 p.m. Our State Representative, Woody Burton, has worked to get a sponsor for this bill which concerns getting the original license plate for your vehicle.

Mr. Armstrong said he received an e-mail from a constituent asking about a solid waste facility permit at 500 Polk Street. The City Attorney indicated this was for Liquid Waste Removal, which has applied for a permit from IDEM. The neighboring property owners have to get notice, under State statute. The plans are on file in the library, she added. Mr. Ferguson told the Council that this is a renewable permit. The facility has been there for 15 years and is basically a transfer station for various liquid waste compounds. They were required to send notice this year to property owners within a radius of a half mile. Mr. Ferguson said there is no expansion, and nothing new in the operation of the facility.

Mr. Deer mentioned the 1782 notice where the LRS budget was questioned. Ms. Myers said that Paige Gregory from Umbaugh will come to the Council meeting after the final budget order is received from the State.

The City Attorney presented Uniform Conflict of Interest Disclosure Statements from the following:

Carmen Madsen, member of the Plan Commission, for her husband Jeff Madsen, employed by the Parks Department, for any interest she might have in his earnings.

Jeff Madsen, of the Community Center, for his wife Carmen Madsen, who is on the Plan Commission, for any interest he might have in her earnings.

Ed Ferguson, Planning Director, for his wife Barbara, employed in the Sanitation Administration Office, for any interest he might have in her earnings.

Barbara J. Ferguson, of the Sanitation Administration Office, for her husband Ed, for any interest she might have in his earnings.

John Gibson, of the Common Council, for any interest earned by his business, Gibson Enterprises.

Jessie Reed, Common Council member, for any interest in the earnings of her husband Byford Reed, on the Police Merit Commission.

Byford Reed, of the Police Merit Commission, for any interest he might have in the earnings of his wife Jessie Reed, member of the Common Council.

Mr. Bates moved to accept these Uniform Conflict of Interest Disclosure Statements as presented. Second by Mr. Hardin. Vote: Ayes.

From the audience, Linda Gibson complimented the Street Department's work on Fry Road.

The Mayor reported that the streets in Northern Park are going well. Just a short section of Park and Carol Drive did not get asphalt put down. The final coat will be put on in the spring. There will be patchwork done with concrete on the sections that were not finished. Mr. Gibson reported that the sidewalks and curbs are completed and the new soil looks good.

Fire Chief Dhondt told the Council that work is back on schedule on Station 94, with plans still in place to open the first part of August, 2006, as long as the weather holds. Masonry work should be completed by about the middle of next week, if the rain holds off.

Mayor Henderson introduced Mike Wright, newly appointed Deputy Chief of Police.

The Mayor then reminded the Council of the State of the City address on January 24<sup>th</sup>.

With no further business, the meeting adjourned at 7:50 p.m.